

HOUSE BILL 2256

By Harris

AN ACT to amend Tennessee Code Annotated, Title 43  
and Title 44, relative to pesticides.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 43, Chapter 8, Part 1, is amended by  
adding the following as a new section:

(a) As used in this section:

(1) "Agricultural commodity" means a plant or part thereof, animal, or  
animal product produced by an individual, including a farmer, rancher,  
vineyardist, plant propagator, Christmas tree grower, aquaculturist, floriculturist,  
orchardist, forester, or another comparable individual, primarily for sale,  
consumption, propagation, or other use;

(2) "Neonicotinoid insecticide" means a pesticide containing one (1) or  
more of the following active ingredients:

- (A) Acetamiprid;
- (B) Clothianidin;
- (C) Dinotefuran;
- (D) Imidacloprid; or
- (E) Thiamethoxam;

(3) "Person" means a natural individual, partnership, association,  
corporation, organized group of persons whether incorporated or not, private or  
public authority, and this state or a political subdivision of this state;

(4) "Pesticide" means a substance or mixture of substances, or chemicals, intended for defoliating or desiccating plants or for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, bacteria, weeds, or other forms of plant or animal life that the commissioner declares to be a pest; and

(5) "Political subdivision" means:

(A) A department, commission, institution, board, or agency of this state; and

(B) A local governmental entity, including a county, metropolitan form of government, or municipal government, including an agency or unit.

(b)

(1) Except when authorized under subdivision (b)(2), a person shall not sell, offer to sell, distribute, or purchase any corn, soybean, or wheat seeds that are intended for planting and have been coated or treated with a neonicotinoid insecticide.

(2) This subsection (b) does not apply to corn, soybean, or wheat seed for which the commissioner determines, after providing an opportunity for public notice and comment, there is no acceptable alternative. For purposes of this subdivision (b)(2), "no acceptable alternative" means:

(A) Seed that has not been treated with a neonicotinoid insecticide is not commercially available or reasonably anticipated to become commercially available; or

(B) The purchase of seed that complies with the requirements of subdivision (b)(1) would result in unreasonable costs to agricultural producers.

(3) This subsection (b) applies to conduct that occurs on or after May 1, 2024.

(c) A person shall not apply to or treat outdoor ornamental plants and turf, except for agricultural commodities, with a neonicotinoid insecticide. This subsection (c) does not apply to a neonicotinoid insecticide for which the commissioner determines that the use of the neonicotinoid insecticide is necessary to manage, control, or prevent invasive species. This subsection (c) applies to conduct that occurs on or after July 1, 2024.

(d)

(1) The department shall conduct a study of the most recent United States department of agriculture Honeybee Colonies Report on an annual basis to assess the efficacy of the limitations on neonicotinoid insecticides.

(2) The department shall submit an annual report on its findings to the governor, the energy, agriculture and natural resources committee of the senate, and the agriculture and natural resources committee of the house of representatives, no later than February 1, 2023, and February 1 of each subsequent year.

(e) The commissioner is authorized to promulgate rules to effectuate this section. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.